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C O N F I D E N T I A L SECTION 01 OF 02 MANAMA 000638

SIPDIS

DEPARTMENT FOR NEA/ARP AND DRL/PHD
CAIRO FOR STEVE BONDY
LONDON FOR ETHAN GOLDRICH

E.O. 12958: DECL: 05/04/2029

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SUBJECT: GOB ARRESTS 14 YOUTHS GATHERING SIGNATURES FOR A PETITION

REF: MANAMA 237

Classified By: Charge d'Affaires Robert S. Ford for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY. Once again, the GOB appears to have responded to hardline opposition political pressure with its usual heavy-handed measures. In charging the 14 youths with "crimes against the internal security of the state," the GOB has drawn a legal line in the sand on opposition behavior. The GOB is arguing that the petition, which requests amendments to the constitution to increase democratic representation in the legislature, is illegal because the 2002 constitution specifies that amendments must go through Parliament and the King. The 2002 constitution states that the King may propose constitutional amendments to the National Assembly. If past practice prevails, the GOB will soon release the youths after they pay a fine. END SUMMARY.

¶2. (C) On April 30 police arrested 14 youths for distributing pamphlets and collecting signatures for the opposition's petition to the King calling for constitutional reform. Public Prosecutor Shaikh Abdul Rahman bin Jaber Al-Khalifa ordered the youths' detention for 45-days because "the evidence against the accused was overwhelming." He charged the teenagers under Articles 160, 165, 166, and 169 of the 1976 Penal Code, all of which pertain to "crimes against the internal security of the state." Article 166 carries a sentence of life imprisonment. Human Rights Activist and Al-Wifaq member Adel Al-Abassi told PolOff on May 3 that the police initially denied the teenagers access to lawyers. President of Bahrain Centre for Human Rights (BCHR) Nabeel Rajab told PolOff on May 3 that BCHR formed a committee to appeal for the release of the detainees. The families staged a peaceful vigil at the jail on May 3. BCHR member Janan Al-Shaikh told PolOff on May 4 that the families plan to hold another peaceful vigil at the Prosecutor's Office on May 5. Youth Forum and Al-Wifaq member Sami Maliky told PolOff on May 4 that the police have detained Al-Wifaq member Mohammed Yousif for soliciting signatures at work.

CASE FOR THE PROSECUTION

¶3. (U) "Al Ayam" reported on May 4 that the GOB claimed the opposition societies acted illegally on several counts. The Public Prosecutor charged that the opposition parties acted illegally by not limiting signatures to society members and that the opposition societies may have used coercive wording in pamphlets soliciting signatures. Both Muharraq Family Society member Yousef Bu Zaboon and President of Al Tajamo Democratic Society Abdulla Hashim received phone threats after refusing to allow signature gatherers use their property to promote the signing of the petition. Akbar Al-Khaleej reported on May 3 that many elderly and illiterate citizens were taken without their knowledge or permission to some of the centers to sign without knowing the actual content of the petition. The Minister of the Royal Court Shaikh Khalid bin Ahmed Al-Khalifa claimed in a Gulf News article that the opposition's campaign to collect signatures on a petition seeking constitutional change is "illegal" because only the King and the National Assembly can call for constitutional change.

BREAKING THE LAW?

¶4. (C) In answer to the GOB's claims that the opposition societies acted illegally, Adel Al-Abassi explained to PolOff on May 4 that the petition campaign was called "Sign to Sign." If a person wanted to sign the petition, s/he had to sign a membership application before signing the petition. Al-Abassi explained that coercive language was not used in the pamphlets. The English translation of the text was incorrect. "If you do not sign you will pay for it in your child's blood" is an Arabic proverb for "If you do not act now to change the situation, your future generations will suffer." Nizar Al Qari reported on May 4 that Abdulla Hashim

told him that the phone threats were not related to refusing to open his Majlis to the petitioners. BCHR leader Abdulhadi al-Khawaja told PolFSN on May 3 that the 2002 Constitution guarantees the right to petition.

PUNISHMENT BEFITTING THE CRIME

15. (C). The Minister of Industry and royal democracy advisor Hassan Fakhro told Charge on May 4 that the GOB believes that the opposition parties acted illegally and is tired of being deceived by them. Fakhro asserted that the opposition is notorious for claiming to organize peaceful marches that turn violent and to schedule seminars on topics different than actually presented. The GOB is taking this opportunity to make examples of the youths to reestablish law and order. The Charge told Minister Fakhro that he understood the need to enforce Bahraini law. However, Charge cautioned that a life imprisonment sentence for petitioning the GOB would tarnish Bahrain's reputation. The Minister of Industry doubted that the GOB would impose such severe sentences.

16. (C) COMMENT: The opposition parties continue to provoke the government over the constitution. The King, who has repeatedly expressed his willingness to entertain constitutional changes that go through constitutional channels, appears to have lost patience with the opposition's pressure. The GOB has responded in a heavy-handed fashion that is likely to hurt Bahrain's image. It may also have opened itself to court challenges regarding the legality and constitutionality of these arrests. We will see if the defense attorneys exploit the opportunity. As for the young men, Post expects that the teenagers will not face anything more serious than 45 days in jail and fines, if the government follows past practices. END COMMENT.
FORD